

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
UNITED STATES OF AMERICA :
:
- v. - : **PROTECTIVE ORDER**
:
MAURICIO HERNANDEZ PINEDA, : 15 Cr. 379 (PKC)
:
Defendant. :
:
----- X

P. KEVIN CASTEL, District Judge:

1. WHEREAS, MAURICIO HERNANDEZ PINEDA (the "Defendant") has certain rights under the United States Constitution, federal statutes, and the Federal Rules of Criminal Procedure, to pre-trial discovery;

2. WHEREAS, the Government recognizes its obligation to provide such discovery materials to the Defendant, consistent with safety considerations and the confidentiality of ongoing investigations;

3. WHEREAS, the discovery materials that the Government intends to provide to the Defendant contain certain materials that, if disseminated to third parties, could, among other things, implicate the safety of others and impede ongoing investigations;

4. IT IS HEREBY ORDERED that, pursuant to Federal Rule of Criminal Procedure 16(d) and subject to the additional

limitations set forth below, discovery materials provided by the Government to counsel for the Defendant ("Defense Counsel") and designated as "Confidential" by the Government shall not be further disseminated by the Defendant or Defense Counsel to any individuals, organizations, or other entities, other than members of the Defendant's defense team (limited to: co-counsel, paralegals, investigators, translators, litigation support personnel, secretarial staff, and the Defendant);

5. IT IS FURTHER ORDERED that the Confidential discovery materials may not be provided to any persons or entities residing or working outside the United States (even if such persons or entities are members of a defense team) and may not be transmitted outside of the United States for any purpose;

6. IT IS FURTHER ORDERED that each of the individuals to whom disclosure of the Confidential discovery materials is made shall be provided a copy of this Protective Order by Defense Counsel and will be advised by Defense Counsel that he or she shall not further disseminate or discuss the materials and must follow the terms of this Protective Order;

7. IT IS FURTHER ORDERED that Defense Counsel may seek authorization of the Court, with notice to the Government, to show (but not provide copies of) certain specified Confidential

discovery materials to persons whose access to Confidential discovery materials is otherwise prohibited by the preceding paragraphs, if it is determined by the Court that such access is necessary for the purpose of preparing the defense of the case;

8. IT IS FURTHER ORDERED that all Confidential discovery materials are to be provided to the Defendant, and used by Defense Counsel, solely for the purpose of allowing the Defendant to prepare his defense to the charges in Indictment 15 Cr. 379(PKC), and that none of the discovery materials produced by the Government to the Defendant shall be disseminated to any other third party in a manner that is inconsistent with the preceding paragraphs;

9. IT IS FURTHER ORDERED that, at the conclusion of this case, Defense Counsel shall return to the Government all copies of the Confidential discovery materials provided in this case;

10. IT IS FURTHER ORDERED that nothing in this Protective Order prohibits the media from requesting copies of any items that are received by the Court as public exhibits at a hearing, trial, or other proceeding; and

11. IT IS FURTHER ORDERED that nothing in this Protective Order shall preclude the Government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material.

Dated: February 22, 2021
New York, New York



HONORABLE P. KEVIN CASTEL
United States District Judge
Southern District of New York